

**ENVIRONMENTAL APPEALS BOARD
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, D.C.**

)	
In re:)	
)	NPDES Appeal No. 19-05
Greater Lawrence Sanitary District)	
)	
NPDES Permit No. MA0100447)	
)	

ORDER GRANTING SECOND MOTION TO STAY PROCEEDINGS

On October 25, 2019, Greater Lawrence Sanitary District (“GLSD”) petitioned the Environmental Appeals Board (“Board”) to review the National Pollution Discharge Elimination System (“NPDES”) permit U.S. EPA Region 1 (“Region”) issued to GLSD authorizing discharges from the GLSD wastewater treatment facility to the Merrimack River in Massachusetts. The Board granted the parties’ subsequent Joint Motion to Stay the Proceedings until January 17, 2020, to provide the parties with an opportunity to pursue a negotiated resolution of some or all issues in dispute. The parties have now filed a Joint Status Report and Second Motion seeking to stay the proceedings for an additional forty-five days.

In reporting on the status of settlement, the parties state that the parties have “diligently engaged in discussions,” “narrowed the issues in dispute,” and believe further discussions will be productive.” Motion at 2. The parties seek an additional forty-five days to “allow settlement discussions to unfold and conclude in an orderly manner” to ensure that matters are “expeditiously resolved.” *Id.* As indicated in the prior motion, the parties state that the issues in this appeal overlap legal and factual claims presented in a separately filed petition currently before the Board (*In re City of Haverhill*, NPDES Appeal No. 19-04), which the parties also seek

to stay, presenting the opportunity for the parties to efficiently, and consistently, address issues common to both petitions. If the parties succeed in settling their differences, the need for litigation would become moot, conserving the resources of the parties as well as the Board.

For the reasons stated in the parties' Joint Motion, in the interest of conserving administrative resources, and for good cause shown, the Board **GRANTS** the Second Motion to Stay the Proceedings. The matter will be stayed until **Monday, March 2, 2020**. Parties must file a status report no later than **Friday, February 21, 2020**. The second status report must again apprise the Board of the progress of negotiations, including the parties' plan and expected timeframe for concluding settlement discussions and whether it is appropriate to continue the stay, or lift the stay and establish a schedule for EPA to file a response to the Petition. To the extent the parties seek a further stay beyond February 21, 2020, they must specify the length of, and the basis for, such further stay. Alternatively, the parties will file a motion seeking dismissal of the Petition.

So ordered.

Dated: January 9, 2020

ENVIRONMENTAL APPEALS BOARD

By: 

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I certify that copies of the *Order Granting Second Motion to Stay Proceedings* in the matter of Greater Lawrence Sanitary District, NPDES Appeal No. 19-05, were sent to the following persons in the manner indicated:

By Email:

Matthew J. Connolly
Michael A. Leon
Matthew Snell
Valerie A. Moor
Nutter McClennen & Fish, LLP
Seaport West
155 Seaport Blvd.
Boston, MA
Email: mconnolly@nutter.com
mleon@nutter.com
msnell@nutter.com
vmoor@nutter.com

*Attorneys for Greater Lawrence Sanitary
District*

Samir Bukhari
Eve Vaudo
John Kilborn
Office of Regional Counsel
5 Post Office Square, Suite 100
MC: 04-6
Boston, MA 02109-3912
Tel: (617) 918-1095
Fax: (617) 918-0095
Email: bukhari.samir@epa.gov
vaudo.eve@epa.gov
kilborn.john@epa.gov

Attorneys for EPA Region 1

Courtesy Copy:

Steven Neugeboren
Office of General Counsel
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 2355A
Washington, DC 20460
Tel: 202-564-5488
Email: neugeboren.steven@epa.gov
Associate General Counsel for EPA

Dated: January 9, 2020



Eurika Durr
Clerk of the Board